

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JEROME TRENT, APRIL TRENT,
and JONATHAN TRENT, a minor
appearing by his parents and legal guardians,

MEMORANDUM AND ORDER

Plaintiffs,

CV 07-2938

-against-

(Wexler, J.)

TOWN OF RIVERHEAD, RIVERHEAD
POLICE DEPARTMENT, PHIL CARDINALE,
DAVID HEGEMILLER, POLICE OFFICER
MICHAEL MAWDY, and LT. RICHARD
BODEN,

Defendants.
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APPEARANCES:

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WEXLER, District Judge

Presently before the court in this civil rights case is Plaintiffs' appeal of an order of Magistrate Judge William D. Wall denying Plaintiffs' motion to compel production of records of formal and informal disciplinary action involving the named Defendants. After an in camera

inspection of documents, the Magistrate Judge denied the motion. Plaintiff has appealed that decision on the ground that the requested documents are relevant to the issues in this lawsuit concerning an alleged lack of proper training and a propensity for misconduct or ignoring proper procedure and protocol. This court ordered production of the documents to conduct its own in camera review. Those documents have been provided to the court and have been reviewed.

Pursuant to Rule 72 of the Federal Rules of Civil Procedure this court shall modify or set aside any part of the order appealed from that is “clearly erroneous or contrary to law.” FRCP 72(a). This court has reviewed the documents, Plaintiffs’ objections and the order of Magistrate Judge Wall and concludes that the order appealed from should be affirmed. Accordingly, Plaintiff’s objections are hereby overruled and the Order of Magistrate Judge Wall is affirmed. Inasmuch as the documents provided to the court will not be produced the court will return those documents to Defense counsel.

The Clerk of the Court is directed to terminate the appeal.

SO ORDERED.

LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE

Dated: Central Islip, New York
October 4, 2009